



MEPD and Texas Works Bulletin 19-06

Date: May 30, 2019

To: Eligibility Services – Regional Directors
Program Managers
Eligibility Services Supervisors
Regional Attorneys
Hearings Officers

From: Gina Carter, Deputy Associate Commissioner
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State Office 2115

Subject: 1. Spousal Impoverishment Dependent Allowance
2. Spousal Impoverishment for Waiver Participants

Bulletins are sent to supervisors and other regional managers. Supervisors must share this information with all eligibility staff. Please ensure that copies are provided to staff that do not have access to e-mail. If you have any questions regarding the policy information in this bulletin, follow regional procedures.

Active bulletins are posted on the following websites:

- [Texas Works Handbook \(TWH\)](http://hhs.texas.gov/laws-regulations/handbooks/texas-works-handbook/texas-works-bulletins) at <http://hhs.texas.gov/laws-regulations/handbooks/texas-works-handbook/texas-works-bulletins>;
- [Medicaid for the Elderly and People with Disabilities Handbook \(MEPDH\)](http://hhs.texas.gov/laws-regulations/handbooks/medicaid-elderly-and-people-disabilities-handbook/mepd-policy-bulletins) at <http://hhs.texas.gov/laws-regulations/handbooks/medicaid-elderly-and-people-disabilities-handbook/mepd-policy-bulletins>.

1. Spousal Impoverishment Dependent Allowance

Background

In determining the co-payment for an individual receiving Medicaid services in an institutional setting or under a Home and Community-Based Services program, a dependent allowance may be deducted from the individual's income.

The spousal impoverishment dependent allowance is calculated using 150 percent of the monthly federal poverty level (FPL) for a family of two. Although the FPL amounts are updated effective March 1st of each year, the new spousal impoverishment dependent allowance amount is not effective until July 1st.

Current Policy

MEPD

The current spousal impoverishment dependent allowance amount is \$2,058 (MEPDH J-7400, Spousal Impoverishment Dependent Allowance).

New Policy

MEPD

Effective July 1, 2019, the new spousal impoverishment dependent allowance amount is \$2,114.

Automation

Changes to TIERS will be implemented on July 1, 2019 with Release 104.1.

Effective Date

The policy is effective with the implementation of TIERS Release 104.1 on July 1, 2019.

Staff must use the new spousal impoverishment dependent allowance amount when calculating monthly co-payment amounts for the month of July 2019 and on-going.

Handbook

The MEPD Handbook updates are scheduled for the September 2019 revision.

Training

The MEPD New Hire Training and Continuing Skills Training will be updated to reflect the new spousal impoverishment dependent allowance amount.

2. Spousal Impoverishment for Waiver Participants

Background

Federal law requires states to temporarily expand spousal impoverishment protections to spouses of Home and Community-Based Services (HCBS) waiver recipients.

The federal requirement has been extended through September 30, 2019. The extension allows states to continue to align the policy for calculating expanded Spousal Protected Resource Assessments (SPRAs) and post eligibility co-payments for waiver applicants/recipients and institutionalized applicants/recipients.

Policy

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Staff must continue to follow current policy:

- Use the minimum monthly maintenance needs allowance (MMMNA) to determine the expanded SPRA for spousal waiver applicants. (*MEPDH J-6300, Expanded SPRA for Home and Community-Based Services Waiver Programs* and *J-6310, Expanded SPRA for Home and Community-Based Services Waiver Applicants in an Assisted Living Facility or Adult Foster Care*).
- Use the spousal dependent allowance to calculate the co-payment for spousal waiver applicants and recipients. (*J-7400 Spousal Impoverishment Dependent Allowance*).

For calculating the expanded SPRA and the co-payment for all spousal waiver applicants and recipients, staff must use the following 2019 amounts:

- The minimum monthly maintenance needs allowance (MMMNA) of \$3,160.50; and
- The spousal impoverishment dependent allowance of \$2,114.

Process

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Staff must continue to follow instructions in the Expanding Spousal Impoverishment for Waivers Clues and Issues document: [Clue & Issue - Spousal Impoverishment](#) to manually calculate and enter the expanded SPRA and/or post-eligibility co-payment for all spousal waiver applicants and recipients who:

- Reside in a community living arrangement and have income greater than the 300 percent special income limit; or
- Reside in Foster Care or an Assisted Living Facility and have income greater than the SSI FBR.

Automation

System changes are not planned at this time.

Effective Date

Continue to use the MMMNA and the spousal dependent allowance amount in the waiver spousal co-payment budgets until notified otherwise.